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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/825,076	04/15/2004	Gary F. Holland	103003-200	7149
27267 7590 10/14/2009 WIGGIN AND DANA LLP ATTENTION: PATENT DOCKETING ONE CENTURY TOWER, P.O. BOX 1832 NEW HAVEN, CT 06508-1832				
EXAMINER NGUYEN, DINH Q				
ART UNIT		PAPER NUMBER		
3752				
MAIL DATE		DELIVERY MODE		
10/14/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/825,076

Applicant(s)

HOLLAND ET AL.

Examiner

Dinh Q. Nguyen

Art Unit

3752

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 February 2009 and 01 July 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 41-53 and 55-65 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 50, 55, 56 and 61-65 is/are allowed.
- 6) ☒ Claim(s) 41-49, 51-53 and 57-60 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Applicant's arguments of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 41-49, 51-53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dille in view of Petrinec et al.

Dille discloses all the limitations of the claims except for a method of activating a fire suppression system according to the deceleration condition. However, Petrinec et al. teaches a method of sequencing fire extinguishing that can be used in a moving vehicle, wherein the activating a fire suppression system according to the deceleration condition by utilizing switches 29 or 30 to activate the fire extinguishing system when the speed of the vehicle decreases to a minimum speed (see column 5, lines 5-15) . Therefore, it would have been obvious to one having ordinary skill in the art to have provided the device of Dille with a method of activating a fire suppression system according to the deceleration condition as suggested by Petrinec et al. Doing so would provide a most effective way to fight fires (see column 5, lines 7-12), and because (a) the Dille reference and the Petrinec et al. reference are *known work in one of field of endeavor*, (b) such modification is merely the use of known technique to improve a

similar device by Petrinec et al. and (c) such modification, i.e. choosing from a finite number of predictable solutions, is not of innovation but of ordinary skill and common sense. *KSR, International Co. v. Teleflex Inc.*, 550 U.S. (2007).

3. Claim 57-60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dille in view of Petrinec et al. as applied to claims 41-49, 51-53 above, and further in view of Parkinson et al.

Dille discloses all the limitations of the claims except for a pyrotechnic gas generator for solid propellant. However, Parkinson et al. teaches a pyrotechnic gas generator 16 for solid propellant. Therefore, it would have been obvious to one having ordinary skill in the art to have provided the device of Dille with a pyrotechnic gas generator for solid propellant as suggested by Parkinson et al. Doing so would provide a reliable and effective fire extinguisher.

With respect to renumbered claim 60, to place the discharged fire suppressant at an under side of the vehicle is an obvious matter of design choice to a person of ordinary skill in the art, since is it well within one skilled in the art to place the discharging of the fire suppressant where it is most effective to fight fires and for stopping the fires in a short period of time.

Allowable Subject Matter

4. Claims 50, 55, 56, 61-65 are allowed.

Response to Arguments

5. Applicant's arguments filed February 18, 2009 and July 01, 2009 have been fully considered but they are not persuasive in view of the Petrinec et al. reference.

6. Applicant's arguments with respect to claims 41-49, 51-53, 57-60 have been considered but are moot in view of the new ground(s) of rejection.
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dinh Q. Nguyen whose telephone number is 571-272-4907. The examiner can normally be reached on Monday-Thursday 6:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Len Tran can be reached on 571-272-1184. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dinh Q Nguyen/
Primary Examiner, Art Unit 3752

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